

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN VARGAS,

Plaintiff,

v.

WHATCOM COUNTY SHERIFF'S OFFICE,  
et al.,

Defendants.

CASE NO. C20-0921-JCC-MAT

ORDER GRANTING MOTION TO  
AMEND ANSWER

Defendants filed a Motion to Amend Answer, accompanied by a proposed amended answer. (Dkt. 14.) Defendants seek to amend the answer to add an affirmative defense under RCW 4.24.410, a statute providing immunity for police dog handlers, that was inadvertently not pled due to an oversight by counsel. Plaintiff did not respond to the motion. The Court, having reviewed the motion and proposed amended answer, hereby ORDERS as follows:

(1) Federal Rule of Civil Procedure 15 provides that the Court “should freely give leave [to amend a pleading] when justice so requires.” Fed. R. Civ. P. 15(a). Leave to amend may be denied where there is undue delay, bad faith or dilatory motive, undue prejudice to the opposing party, or when the amendment would be futile. *See Foman v. Davis*, 371 U.S. 178, 182 (1962).

1 The Court here finds no basis for denying the unopposed motion to amend. Accordingly,  
2 defendants' Motion to Amend Answer (Dkt. 14) is GRANTED. The Clerk is directed to lodge the  
3 Amended Answer (Dkt. 14-1) on the docket.

4 (2) The Clerk is further directed to send a copy of this Order to the parties and to the  
5 Honorable John C. Coughenour.

6 DATED this 5th day of November, 2020.

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9 Mary Alice Theiler  
United States Magistrate Judge